



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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Attorney General

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November 24, 2009

Dr. Patricia I. Wright
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building, 25th Floor
101 North 14th Street
Richmond, Virginia 23219

**Re: Revisions to Comply with the “Individuals with Disabilities Education Improvement Act of 2004” and its federal implementing regulations;
8 VAC 20-81**

Dear Dr. Wright:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to promulgate regulations governing special education.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In my view, therefore, the Board possesses the requisite authority to promulgate these regulations.

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The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

/s/

Samantha Vanterpool Rucker
Assistant Attorney General